AN APOLOGY FOR THE ARMY,

Touching the eight Quære's upon the late Declarations and Letters from the Army, touching ſedition falſly charged upon them.

Wherein thoſe Quæres are reſolved, and thereby the preſent proceedings of the Army are proved to be Legall, Juſt, and Honorable.

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Quis tulerit Gracchos *de ſeditione querentes?*

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The Solution of the second Quære.

3.*par.Inſtit.fol.* 12.39 *Eliz.* 1 *Jacob. ibi.* 2.*&* 3.*Ed.*6. *cap.*2. 11.*H.*7.*c.*1.

The Army, to their eternall honour, have freed the King from impriſonment at *Holmby*. It was High Treaſon to impriſon His Majeſtie: To free His Majeſtie from that impriſonment was to deliver Him out of Traiterous hands, which was the Armies bounden dutie by the Law of God and the Land. That partie refuſed to ſuffer His Majeſtie to have two of His Chaplaines for the exerciſe of His Conſcience who had not taken the Covenant, free acceſſe was not permitted, doth the Army uſe His Majeſtie ſo? all men ſee that acceſſe to Him is free, and ſuch Caplaines as His Majeſtie deſired are now attending on His Grace: Who are the guiltie perſons, the Army, who in this action of delivering the King act according to Law, or the ſaid partie who acted Treaſonably againſt the Law? Who doth obſerve the Proteſtation better, they who impriſon their King, or they who free Him from priſon?

That this Army was raiſed by the Parliament is utterly falſe: The Army was raiſed by the two Houſes upon the ſpecious pretences of the Kings Honour, common ſafety, and the preſervation of Lawes and Liberties, which how made good hath been ſhewed before, and all the people of the Kingdome do find by wofull experience.

14.*H.*8.3. 36.*H.*8. *Dier.*60. 4.*par. Inſtit.p.* 1,3,12,14. 16.*R.*2.*c.*1. 5.*Eliz.c.*2. 17.*Carol.* *The act for the continuance of this Parliament.* 4 *par.Inſtit.* *pag.*12. 4 *par.Inſtit.* *pag.*4.9. 5.*Eliz.c.*1,2.

The two Houſes are no more a Parliament then a Body without a Head a man. The two Houſes can make no Court without the King, they are no Body corporate without the King, they all, Head and Members, make one corporate Body; and this is ſo cleare a truth, that in this Parliament, by the Act of 17. *Caroli*, it is declared, That the Parliament ſhall not be diſſolved or prorogued but by act of Parliament; but the two Houſes may reſpectively adjourne themſelves; two Houſes and a Parliament are ſeverall things. *Cuncta fidem vero faciunt*, all circumſtances agree to prove this truth. Before the *Norman* Conqueſt, and ſithence to this day, the King is holden *Principium, Caput, & finis*, that is, the beginning, Head, and chief end of the Parliament, as appeareth by the Treatiſe of the manner of holding of Parliaments made before the *Norman* Conqueſt; by the Writ of Summons of Parliament whereby the Treaty and *Parler* in Parliament is to be had with the King onely, by the Common Law, by the Statute-Law, by the Oath of Supremacy, taken at this and every Parliament, it doth manifeſtly appeare, that without the King there can be no colour of a Parliament.

How many Votes have they revoked in one Seſſion, yea and Bills? Was there ever the like done? Nay, is not the conſtant courſe of Parliaments violated and made nothing thereby? They are guarded by Armed men, divide the publike money among themſelves, and that partie indeavours to bring in a Forreigne Nation to invade this Land again: If they be no Parliament, as clearly they are none without His Majeſtie, they have no privileges, but doe exerciſe an Arbitrary, Tyrannicall, and Treaſonable power over the people.

7.*E.*4.20. 8.*E.*4.3 9.*E.*4.27. 4.*H.*7.18. 27.*H.*8.23.

By the Law of the Land, when Treaſon or Felony is committed, it is lawfull for every Subject, who ſuſpects the Offender, to apprehend him, and to ſecure him ſo, that Juſtice may be done upon him according to the Law.

You ſay, The diſobedience of the Army is a ſad publique preſident, like to conjure up a ſpirit of univerſall diſobedience. I pray object not that conjuring up to the Army, whereof you, and the prevailing partie in the Houſes are guilty; who conjured up the ſpirit of univerſall diſobedience againſt His Majeſtie, your and our onely Supreme Governour, but you, and that partie in the two Houſes, and even then, when the houſe of Commons were taking, and did take the ſaid Oath of Supremacy. For the Covenant you mention, it is an Oath againſt the Lawes of the Land, againſt the Petition of Right, deviſed in *Scotland*, wherein the firſt Article is to maintaine the Reformed Religion in the Church of *Scotland*: And certainly there is no Subject of the Engliſh Nation doth know what the Scottiſh Religion is. I believe the Army took not the Covenant: No man by the Law can give an Oath in a new caſe without an Act of Parliament; and therefore the impoſers thereof are very blameable and guiltie of the higheſt crime.

2. *pars.* Col. of Ord. *p.* 803. Petition of right. 3. *Car.* 2. *pars. Inſtit.* 719.

The Writer of theſe *Queries* ſeemes to profeſſe the Lawes, let him declare what Act of Parliament doth juſtifie the tendring, giving, or taking of the ſaid Oath: he knoweth there is none, he knoweth that all the parts of it are in deſtruction of the Lawes and Government, to maintaine which the Law of Nature and the Law of the Land had obliged them: The Oath of the Covenant makes the Houſes Supreme Governours in cauſes Eccleſiaſticail, the Oath of Supremacie makes the King ſo, and yet both taken by the ſame perſons, at the ſame time. What credit is to be given to perſons who make nothing of Oaths, and contradict themſelves? How doe the Covenant and the Oath of Supremacy agree? How doth their Proteſtation and the Covenant agree? How doe their Declarations and Oaths agree? The Lord be mercifull to this Land for theſe Oaths.

Mag. Cart. c. 1. *& ultimo Arti. cleri.* and many other ſtat. 16. *Ed.* 4. 10.

It is a ſad thing to conſider, that ſo many Gentlemen who profeſſe the lawes, and ſo many worthy men in ~~both~~ both Houſes ſhould be ſo tranſported as they are, knowing that the Lawes of the Land from time to time, and in all times, are contrary to all their actions, and that yet they ſhould amuſe themſelves and the people with the word of Parliament, without the King and with the Covenant; whereas they know they are no Parliament without his Majeſtie, and that Engliſh men throughout the Kingdome ſhould ſweare a Covenant, to preſerve the reformed Religion of *Scotland*, in Doctrine, Worſhip, Diſcipline and Government, which they no more know than the Doctrine, Worſhip, Diſcipline and Government of *Preſter John* in *Ethiopia*: if they conſider it, they cannot but diſcerne that this is a high deſperate and impious madneſſe.

Be wiſe in time, without the King and the Lawes you will never have one houre of ſafety for your Perſons, Wives, Children or Eſtates: Be good to your ſelves, and to your Poſterities; apply your ſelves to be capable of an Act of Oblivion, and of a generall Pardon, and to be able and willing to pay the Souldiery, and to allow a reaſonable liberty for mens conſciences, and God will bleſſe your endeavours, and the people (to whom you are now very hatefull) will have you in better eſtimation.

The

The third Querie is thus answered.

You resemble the Army to *Jacke Cade* and his Complices, and you cite the Act of Parliament of 31. *Hen.6 cap.*1. & that it may appear who acts the Part of *Jacke Cade*, you and that Party in the two Houses, or the Army, I think it necessary to set down the said Act in words at large as followeth:

First, Whereas *the most abominable Tyrant, horrible, odious and arrant false Traytor John Cade*, calling and naming himselfe sometime *Mortimer*, sometime Cap. of *Kent*, which name, fame, acts and feats are to be removed out of the speech and mind of every faithfull Christian man perpetually; falsely and *trayterously purposing*, and imagining *the perpetuall destruction of the Kings said Person, and finall subversion of this Realme, taking upon him Royall power, and gathering to him the Kings People in great numbers, by false, subtle imagined Language, and seditiously making a stirring rebellion, and Insurrection, under colour of justice, for reformation of the Lawes of the said King, robbing, stealing, and spoiling great part of his faithfull people.* Our said Soveraigne Lord the King considering the premises, with many other which were more odious to remember, by advice and consent of the Lords aforesaid, and at the request of the said Commons, and by authority aforesaid, hath ordained and established that the said *John Cade* shall be reputed, had, named, *and declared a false Traytor to our Soveraigne Lord the King*; and that all his tyranny, acts, feats, and false opinions shall be voided, abated, annulled, destroyed, and put out of remembrance for ever: and that all enditements and all things depending thereof, had and made under the power of tyranny shall be likewise void, annulled, abated, repealed, and holden for none: and that the bloud of none of them be thereof defiled nor corrupted, but by the authority of the said Parliament clearely declared for ever, and that all enditements in times coming in like case under power of tyranny, rebellion and stirring had, shall be of no Record nor effect, but void in Law; and *all the Petitions delivered to the said King in his last Parliament, holden at Westminster, Nov. 6. in the* 29. *of his Raigne, against his mind by him not agreed, shall be taken and put in oblivion out of remembrance*, undone, voided, annulled, and destroyed for ever, as a thing purposed against God and conscience, and against His Royall Estate and preeminence, and also dishonourable and unreasonable.

Now wee are to examine who hath troad in the steps of *Jacke Cade*, you and the present prevailing party of the two Houses *took upon them, and doe take all the Royall Power in all things*; so did *Jacke Cade*, as appeares by the said Act; the Army doe not so: They who imprison the King *purpose to destroy his Person* (our imprisoned Kings alwaies * fared so) *Jacke Cade* did likewise so purpose, but the Army doe not so: The said party in the two Houses *made a stirring under colour of Justice for Reformation of the Lawes*, so did *Jacke Cade*: The Army doe not so, but desire that the Lawes should be observed: *Jacke Cade levied warre against the King*, the Army preserves Him: *Jacke Cade* died a *Declared Traytor to his Soveraigne Lord the King*; this Army lives to have the glorious true Honour of being restorers of their King.

* Edward 2. Henry 6. Richard 2.

Simon Sudbury Archbishop of *Canterbury* was murthered by *Jacke Cade*: *William Laud* Archbishop of *Canterbury* was likewise murthered by that party of the two Houses, for that an Ordinance by Law cannot take away any mans life,

life, and his life was taken away by an Ordinance of the two Houſes the Army had no hand in it. Many miſled by *Jacke Cade*, perceiving his Trayterous purpoſes fell from him; and as that was lawfull, juſt, and Honourable, ſo it is for this Army to adhere to their naturall King, and to endeavour to ſettle the Kingdome again in the juſt Laws and Liberties thereof: *London* did then right worthily adhere to the King and the Lawes, and not to *Jacke Cade* and his ſpecious pretences, and it is hoped they will now ſo doe. By this it appeares, that the Gentlemans Diſcourſe touching *Jack Cade*, faſtens altogether on his party, and cleareth the Army. 25 Ed.3.4. 28 Ed.3.3. Petition of Right. 3 Car.

To the IV. *which is ſolved thus.*

The Arreares of the Army (howbeit it is the leaſt thing they look after) yet being not paid them, it is by the Law of the Land a ſufficient cauſe to leave and deſert that party in the Houſes: A perſon who ſerves in any kinde, and is not paid his wages, the deſertion of that ſervice is warrantable by the Lawes of the Land: You ſay the Houſes will reforme all things when the Army doth disband; who will beleeve it? Will any beleeve that the ſettling of the Presbytery will doe it? Will any beleeve that his Majeſtie will paſſe the Propoſitions ſent to Him to *Newcaſtle*? Will any man beleeve that this Kingdome will ever be quiet, without His Majeſty and the ancient and juſt Lawes? Can the Members of the Army conceive any of them to be ſafe in any thing, without a Pardon from His Majeſtie? Have they not ſeen ſome of their Fellowes hanged before their eyes, for actions done as Souldiers? Shall the Kingdome have no account of the many Millions received of the Publick Money? Will the Members of the Houſes accuſe themſelves? Shall private and publick Debts be never paid? Shall the Kingdome lye ever under burthens of Oppreſſion and Tyranny? There is no viſible way to remedy all theſe enormities but the power of the Army. Fitz. N. B. 154. 9 Ed. 4.20. 38 H.6.27. 23 Eliz. Dier. 369.

To the V. *which is ſolved thus.*

The Kingdome hath better aſſurance of Reformation from the Army, then from the Houſes, for that in their military way they have been juſt, faithfull, and honourable, they have kept their words: That party of the Houſes have been conſtant to nothing but in dividing the publike Treaſure among themſelves, and in laying burdens upon the People, and in breaking all the Oathes, Vowes and promiſes they ever made: As the Army hath power, ſo now adhering to the King, all the Lawes of God, Nature, and Man, are for them, their Armes are juſt and bleſſed; and the King is bound in Juſtice to reward his Deliverers with Honour, Profit, and meet Liberty of Conſcience. 2 & 3 Ed.6. cap 2. 11 H.7.cap.1. Calvins caſe, 7. pars, Cook fol.11.

To the VI. *Querie.*

All the ſixth *Quære* containes Calumnies caſt upon the Army; the new Elections are againſt all the Lawes mentioned in the Margin, and are againſt the Ejection of the old Members: and by this it may be judged, what a Houſe of Commons we have. By the ſaid Lawes it appeares, that if any undue returne be made, the perſon returned is to continue a Member; the Sheriffes puniſhment is two hundred pounds, one to the King, and the other to the party that is duly elected; impriſonment for a yeare, without Baile or Main- 11.H.4.c.1. 1 H.5.c.1. 8 H.6.c.7. 23 H.6.c.15.

Mainprise: and that person who is unduly returned, shall serve at his owne charge, and have no benefit at the end of the Parliament, by the Writ *de solutione feodorum Militum, Civium, & Burgensium Parliament.* And the tryall of the falsitie of the returne, is to be before the Justices of Assises in the proper County, or by Action of Debt in any Court of Record. This condemnes the Committee for undue elections, which hath been practised but of late times: for besides these Lawes, it is a Maxime of the Common Law, an Averment is not receivable against the returne of a Sheriffe, for his returne is upon Oath, which Oath is to be credited in that suit wherein the returne is made.

3.*Ed.*4.20.
5.*Ed.*4.42.

The said Statutes condemne elections of such men which were not resiant and dwelt in the County or Boroughes for which they were returned; and any abusive practise of late times to the contrary, is against the Law, and ought not to be allowed.

To the VII. *Quære.*

The *Quærist* saith, That the Votes of the Independents in the Houses were arbitrary, exorbitant, and irregular, and that they disposed and fingred more of the common Treasure then others: That whole *Quære*, I beleeve, is false and slanderous; and the Author ought to make it good, or else to undergoe the Law of *Talion*; which is, to suffer such punishment, failing of his proof, as the accused should, in case of proof made.

37.*E.*3.*c.*17.

To the VIII. *Quære.*

This *Quære* is all minatory and threatning, and the contrary of every part is true: by the deliverance of the King and Kingdom from the bondage of that party in the two Houses by the Army, their renown will be everlasting; they secure themselves, they content and please the Kingdome, City, and Countrey, as appeares by their confluence to see his Majesty and the Army, and their acclamations for his Majesties safety and restitution: all which doth evidence to every one of the Army, how acceptable the intentions of the Army are to the people of this Land, who have been so long enthralled.

Sir Thomas Fairfax, *let your Worthinesse remember your extraction and your Ladies, by the grace and favour of the Prince, to be in the ranke of Nobility; remember what honour and glory the present Age and all Posterity will justly give to the restorer of the King to his Throne, of the Lawes to their strength, and of the afflicted People of this Land to peace: let the Colonels and Commanders under you, and likewise your Souldiery, rest assured, that they shall not onely share in the renowne of this action, but also shall have such remuneration as their haughty courage and so high a vertue doth deserve: This his Majesty can and will doe, the Houses neither will nor can; and God blesse you all, and prosper you.*

I conclude all, as I have alwaies done: Without an Act of Oblivion, a generall Pardon, the Arreares of the Souldiery paid, and a regard to Liberty of Conscience, this Kingdome will certainly be ruined.

FINIS.